

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA )  
 )  
Plaintiff, )  
 )  
vs. ) CRIMINAL COMPLAINT  
 )  
MARK N. KELIIKUPAKAKO, )  
 )  
Defendant. )

MAG. NO. 03-520 LEK

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 16 2003  
at 2 o'clock and 30 min.  
WALTER A. Y. H. CHINN, CLERK.

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about July 15, 2003, in the District of Hawaii, at a place within the special maritime and territorial jurisdiction of the United States, to wit: Helemano Military Reservation, Hawaii, defendant Mark N. Keliikupakako did intentionally and knowingly exert control over a motor vehicle, to wit: a grey Suzuki motorcycle, Hawaii state license plate number "CXD 005", the property of Jorge Colberg, without the owner's consent.

All in violation of Hawaii Revised Statute, Section 708-836 and Title 18, United States Code, Section 13.

I further state that I am a special agent with the Federal Bureau of Investigation and that this Complaint is based upon the facts set forth in the attached Affidavit, which is incorporated herein by reference.

  
SA TYRONE C. ARNOLD  
COMPLAINANT

Sworn to before me, and subscribed in my presence:  
July 16, 2003, at Honolulu, Hawaii.

  
United States Magistrate Judge  
District of Hawaii

AFFIDAVIT OF SPECIAL AGENT IN SUPPORT OF CRIMINAL COMPLAINT

TYRONE C. ARNOLD, being first duly sworn, deposes and says as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and am assigned to the Honolulu Field Office. In that capacity, I am familiar with the facts set forth in this affidavit based upon my personal knowledge and information provided to me by other law enforcement personnel or witnesses.

2. The FBI became involved in this matter on July 15, 2003, after receiving information from the United States Army Military Police (MP), Schofield Barracks, Hawaii.

3. On July 15, 2003, MP Officer Eric J. West, while on patrol, was flagged down by an unknown individual who reported that Jorge Colberg, an active duty service member of the United States Army, stationed at Schofield Barracks Hawaii, and residing on Helemano Military Reservation, Hawaii, had his motorcycle stolen.

4. MP Officer West met with Colberg at the entrance to the Helemano Military Reservation where he was informed of the following:

a. Colberg and his wife were driving home to the Helemano Military Reservation, when Colberg observed a male,

later determined to be Mark N. Keliikupakako, operating his motorcycle without his permission. When Colberg recognized his motorcycle, he drove his vehicle across the road as to block the path of Keliikupakako. Keliikupakako turned the motorcycle around and drove off in the opposite direction, back into the Helemano Military Reservation. Colberg made a call to his Operations Sergeant and requested the MP's respond.

b. Approximately five minutes later MP Officer West arrived at Colberg's location.

5. MP Officer West was informed of the stolen motorcycle's description, a grey motorcycle with metallic flames, and the male operating it, a Asian/Pacific Islander wearing dark shorts, a white T-shirt, and carrying a red bag. MP Officer West requested other MP units to assist and placed an All Points Bulletin (APB) describing the male and the stolen motorcycle.

6. MP Officer West was then approached by a second victim, Alberto B. Mariscal, who told MP Officer West that an unknown male was trying to steal his car. When Mariscal approached the unknown male, the male fled to the area of Haina Court, Helemano Military Reservation.

7. MP Officer West and assisting MP's started searching the area for Keliikupakako and observed an open window on the second floor of Quarters #101, 138 Haina Court. Quarters #101 was a vacant quarters, so MP Officer West decided to check

inside that quarters. A second MP observed movement near the window inside Quarters #101.

8. The MP's tried to open the front door to Quarters #101 but were unsuccessful.

9. MP Officer West called out loud to the inside of Quarters #101 that if the individual inside the quarters did not come out, he would send in the police dogs. There was no response.

10. MP Officer West said that some of the MP's tried climbing into the second floor window in order to enter Quarters #101. When they attempted this, MP Officer West heard someone call out "he's running, there he goes!" MP Officer West turned to look and saw a male fitting the description of Keliikupakako fleeing from the rear of the quarters.

11. MP Officer West sprinted around the front of the quarters and down the street after Keliikupakako ordering him several times to stop. Colberg was also chasing Keliikupakako.

12. The fleeing male crossed the street, tripped on the curb, and fell to the ground.

13. The MP's had to physically restrain Keliikupakako who resisted arrest and physically assaulted MP Officer West. The MP's finally subdued Keliikupakako and placed him in handcuffs. At this time, Colberg confirmed that the apprehended suspect was

the same person he saw riding his motorcycle without his permission.

14. A search incident to an arrest was conducted and several items of jewelry, eye-wear, and the key for Colberg's motorcycle was found on Keliikupakako's person. Colberg positively identified these items as his and coming from his quarters.


15. After the MP's apprehended Keliikupakako a red bag and the stolen motorcycle that he had abandoned were located.

16. A search of the red bag revealed more personal property belonging to Colberg.

17. The MP's and Colberg conducted a check of Colberg's quarters, Quarters #102, 177 Ahamaka Road, Helemano Military Reservation, and observed that someone had entered his quarters by shoving the air conditioning unit, previously located in the master bedroom window, into the quarters. The assailant then entered the quarters through the window where the air conditioning unit had been.

18. Therefore, your Affiant has probable cause to believe that Mark N. Keliikupakako, did intentionally and knowingly exert control over a motor vehicle, to wit: a grey Suzuki motorcycle, license plate # CXD005, the property of Jorge Colberg, without the owner's consent on a military reservation in Honolulu, Hawaii.

19. All in violation of Hawaii Revised Statute,  
Section 708-836 and Title 18, United States Code, Section 13.

  
\_\_\_\_\_  
TYRONE C. ARNOLD

COMPLAINANT

Sworn to before me, and subscribed in my presence:

July 16, 2003, at Honolulu, Hawaii.

  
\_\_\_\_\_  
United States Magistrate Judge  
District of Hawaii